

ORIGINAL



**IN THE COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA**

Subject To Acceptance Or Rejection By the Court
Of Criminal Appeals Of the State Of Oklahoma.
This Instrument is Accepted As Tendered For
Filing This 29th Day Of May 20 15

COURT CLERK
COURT OF CRIMINAL APPEALS

BY SA
DEPUTY CLERK

THE STATE OF OKLAHOMA,)

Plaintiff/Appellant,)

vs.)

ADAM CLAYTON ZILM,)

Defendant/Appellee.)

Court of Criminal Appeals
Case No. SR-2014-0812

Tulsa County District Court
Case No. CF-2012-3037

RECEIVED
MAY 29 2015
CLERK'S OFFICE

**AMENDED
RESPONSE BRIEF OF DEFENDANT/APPELLEE**

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

AUG - 6 2015

MICHAEL G. RICHIE
CLERK

ALLEN M. SMALLWOOD OBA #8308
Counsel for Defendant/Appellee
ADAM CLAYTON ZILM
1310 South Denver Avenue
Tulsa, Oklahoma 74119-3041
(918) 582-1993 (918) 582-1991 Fax

EXHIBIT 3

IN THE COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

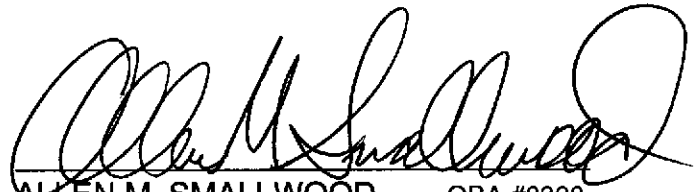
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|------------------------|---|-----------------------------|
| THE STATE OF OKLAHOMA, |) | |
| |) | |
| Plaintiff/Appellant, |) | |
| |) | |
| vs. |) | Court of Criminal Appeals |
| |) | Case No. SR-2014-0812 |
| ADAM CLAYTON ZILM, |) | |
| |) | Tulsa County District Court |
| Defendant/Appellee. |) | Case No. CF-2012-3037 |

AMENDED RESPONSE BRIEF OF APPELLEE

Allen M. Smallwood, counsel for the above-named appellee, submits this Amended Response Brief.

1. Counsel has attached a copy of the second page of Judge Glassco's order of October 7, 2013, which was referenced on page 5, footnote 2, of the previously filed response brief of May 18, 2015, and was inadvertently not attached.

WHEREFORE, counsel for the appellee submits this Amended Response Brief with attachment as referenced above.



ALLEN M. SMALLWOOD OBA #8308

Attorney for Appellee/Defendant

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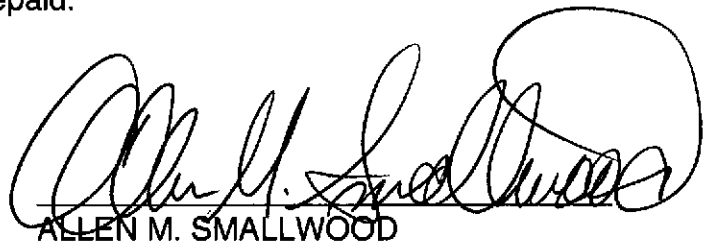
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Response Brief Of Appellee/Defendant was mailed this 26th day of May, 2015, to

Sarah McAmis
Assistant District Attorney
Tulsa County Courthouse
500 South Denver Avenue
Tulsa, Oklahoma 74103

Sally Howe Smith, Court Clerk
Tulsa County Courthouse
500 South Denver Avenue
Tulsa, Oklahoma 74103

by depositing it in the U.S. Mails, postage prepaid.



ALLEN M. SMALLWOOD

3. That prior to the preliminary hearing, on the day of the preliminary hearing, and following the preliminary hearing, an individual(s) (not employed by the District Attorney's Office), by misfeasance or malfeasance, exercised unreasonable influence on the minor child "K.A." to secure testimony to which she has since recanted repeatedly. The recantations occurred shortly after the initial reporting of the crime and continue to the present day.
4. That the unreasonable influence placed on the child by the persons identified to the court, and the false statements made to the child, which have been confirmed by the state, indicate that the child was improperly influenced in her direct testimony at the preliminary hearing.
5. That accordingly, the preliminary hearing is a nullity and the matter is remanded for a new preliminary hearing.

IT IS THEREFORE ORDERED that the matter be remanded for a new preliminary hearing to be held on November 6, 2013 at 9 o'clock a.m. in room 347 of the Tulsa County Courthouse.

IT IS FURTHER ORDERED that the jury trial setting for February 14, 2014 and the *Allen* Discovery Hearing set October 28, 2013, are stricken.

IT IS FURTHER ORDERED that the defendant shall remain released on his present bond.

IT IS SO ORDERED.

DATED Oct 7, 2013


KURT G. GLASSCO, District Judge

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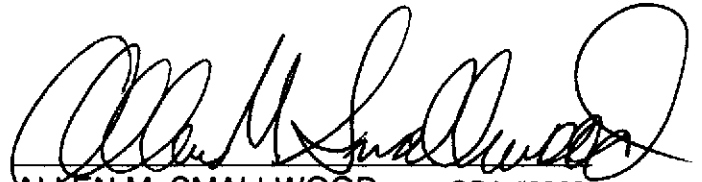
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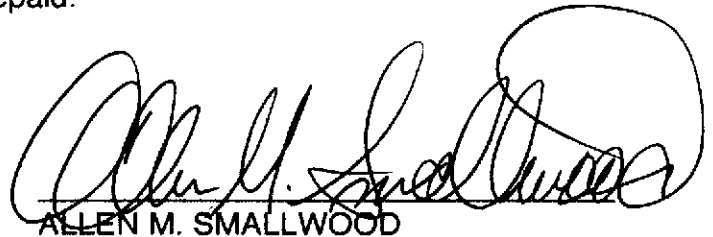
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